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# PROHIBITION'S LEGISLATIVE EFFORTS

BY L. AMES BROWN

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THE new means by which many of the prohibition States have sought to make their laws effective has been the enactment of legislation limiting the quantity of liquor which a citizen may import into a prohibition State from an adjoining State. This legislation utilizes the power opened up to the States by the Webb interstate liquor shipment law through the suspension of inter-state commerce safeguards from liquor shipments intended for illegal use in prohibition territory. North Carolina has the "two-quart" law, which prohibits the importation of more than two quarts monthly by an individual. Practically all of the prohibition States have either adopted or given serious consideration to laws of this character. West Virginia has gone still further in availing herself of the new State power and has adopted a statute which makes it unlawful for a carrier to deliver a shipment of liquor ordered from without the State in response to an advertisement. The constitutionality of this law is about to be passed upon by the Supreme Court. President Taft, Mr. Attorney General Wickersham and many important legal authorities question the constitutionality of the Webb law, but, on the other hand, there are lawyers and jurists of high standing, including Chairman Webb of the House Committee on the Judiciary and at least one United States Circuit Judge, who hold the opposite view. The import of the West Virginia case in the Supreme Court is that if the Webb law is declared constitutional and the West Virginia law viewed as a valid application of it, there will be no ready excuse for the failure of a legislature in a prohibition State to make that State very nearly "dry," except that its constituency does not sincerely believe in such aridity.

Already it is evident that these State enactments are to have an important influence upon the future of the prohibition movement. In the months since they have been in operation they have constituted a definite and effective force for the abatement of drinking. States which have been listed as "dry" for several years have experienced a rigorous approximation of actual prohibition, since their so-called "quart" laws were adopted. The Southern prohibition States have entered upon the staunch enforcement of their new laws, with the result that great progress has been made in eradicating unlawful selling agencies and in reducing the consumption of liquors.

But regardless of the future effect of the new State legislation upon the national prohibition movement, there are ample grounds for the supposition that there has been an abatement of Anti-Saloon League enthusiasm in the period during which this legislation has been mooted. It requires no great mental effort to perceive that thoughtful voters, who have been centering their mental energies on a test of a newly available remedy for the drink evil, will not at the same time continue at a high pitched fervor for another remedy.

All of the foregoing relates to the general causes by which the abatement of the prohibition movement can be explained. It is in the nature of circumstantial evidence. There are, however, direct and unquestionable indications that as a movement it has not gone forward, in the period under examination, to the extent designed by the Anti-Saloon League leaders.

The House Judiciary Committee at the present session of Congress adopted a motion indefinitely postponing consideration of the prohibition resolution. In explaining that act, which was heralded in the newspapers as an important set-back for the prohibitionists, a member of the committee said:

"The committee's action was taken and concurred in by the members of the committee who favor prohibition because the prohibitionists realize that they can probably get more votes after the November election than before. It would mean nothing to us to have another test of strength in the House and get no more votes than we got in the roll call on the Hobson resolution in 1915."

Practically the same explanation has been given of why

the prohibition leaders did not make sincere efforts to force a vote on the Shepard prohibition bill for the District of Columbia at the session of Congress just adjourned. In the Senate nothing worth while is to be gained by another failure, even though the failure be due to technical obstructions and reveal surprising strength for the prohibition forces. An important admission is implicit in these explanations; the prohibition cause is no stronger now than it was a year ago.

Turning to election results on the prohibition issue in the various States, we observe strong grounds for the belief that the propaganda is not making the desired headway. In Ohio, in the fall of 1915, a prohibition amendment to the State constitution was defeated by a majority larger than that registered against it in the 1914 election. It was quite evident from the Ohio returns that the prohibition cause had experienced a set-back in the previous year of campaigning. The outcome was sufficiently decisive to convince students of the political situation that a considerable period will elapse before Ohio enters the prohibition column.

In Vermont a prohibition amendment to the State constitution was turned down by a decisive majority in the early part of the present year. The people of Vermont have relied upon the local option system since their repudiation of the prohibition law adopted in Neal Dow's time. They have elected to continue this system. In the April local option election in Illinois, fifteen wet townships excluded saloons, whereas ten dry townships returned to the license system. It was the first time since the adoption of the Illinois local option law in 1912 that any important number of the dry townships had changed back to the license system.

The Anti-Saloon League has waged a most energetic campaign in New York State for the adoption of a local option law during the session of the 1916 legislature. The campaign has been wasted effort, however, except for its possible educational effect, for the session closed with the Anti-Saloon League State Superintendent assailing the controlling influences of both the majority and minority in the Assembly. Governor Whitman promised to sign the local option bill if it should come to the State House for his signature, knowing well that the Assembly was certain not to pass it. In Maryland, a local option State, a sensational campaign was waged by the Anti-Saloon League in favor

of a State-wide prohibition referendum. The legislature's enactment approved in February is recognized as a make-shift, however, and its authors have been denounced bitterly by the prohibitionists. In Kentucky, Augustus U. Stanley has been elected Governor on an anti-prohibition platform.

A sheet of campaign literature issued by the Methodist Temperance Union from its headquarters at Topeka, Kansas, November, 1915, announced that in the present year State-wide campaigns would be carried on in Delaware, Florida, Michigan, Missouri, Montana, Nebraska, New Jersey, New Mexico and Utah. Thus far the campaigns have not achieved political importance in any of these States except Nebraska.

In the prohibition debate in the House of Representatives, December, 1914, Representative Hobson of Alabama, spokesman for the Anti-Saloon League and floor leader of the prohibition forces, declared:

I here announce to you that the great temperance and prohibition forces of this whole nation will make this question the paramount issue in 1916, not only to gain a two-thirds majority in the two Houses of Congress, but to have an Administration that neither in the open nor under cover will fight this reform.

In 1915 the national officers of the Anti-Saloon League issued this statement from Washington:

Just at this time, when the party leaders are looking for available candidates for the Presidency next year, it will be well if they will carefully consider one or two things. The united prohibition forces of the country will oppose the candidacy of any man who voted against the Webb interstate shipment law or voted against the resolution to submit the national prohibition amendment to the States, or who advocates only the States' rights policy of dealing with the liquor traffic.

These were fairly definite pronouncements of an ambitious plan the Anti-Saloon League had to make its influence felt in the present national campaign—a plan which has come to naught. The political parties have completely ignored prohibition as a national issue and completely disregarded the announced wishes of the prohibitionists' organizations. The Democratic National Convention renominated Mr. Wilson despite the dire threat of the Anti-Saloon League officers, and then proceeded to adopt a platform which omitted to mention prohibition. The Republican National

Convention nominated Mr. Hughes without thinking once whether he was in favor of or opposed to constitutional prohibition. There were several subjects on which Mr. Hughes's views were awaited with the liveliest curiosity by the Republican leaders, but prohibition was not one of them, and hardly anybody at the convention gave a thought to placating the political leaders of the prohibition movement. The platform committee of the Republican convention refused to insert a prohibition plank in the party campaign declaration. Not even the Progressive platform took up the subject of prohibition.

The implication of the proceedings at Chicago and St. Louis is that for the time being the prohibition organization has been shorn of a considerable part of its power in national politics. The basis of this power always has been the ability of the prohibition leaders to draft men out of the political parties and have them assert the paramountcy of the drink issue. In times like these, when political discussions are given over mainly to the vital matter of international relations, in which the national honor as well as the national welfare is concerned, men have a diminished interest in things unrelated to it, and the number of men who are willing to regard prohibition as the paramount issue of the campaign is so small as to be negligible. All of these generalities are put forward in full knowledge that the Prohibition party under the leadership of Mr. Hanly of Indiana, its Presidential candidate, is destined to arouse a great deal of popular interest before the close of the present national campaign; it seems likely that the "vote of protest," certainly a goodly portion of it, will turn to the Hanly candidacy as the most efficacious available instrumentality for liberating its resentment at the existing order.

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